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SIPDIS

SENSITIVE

DEPARTMENT FOR EAP/BCLTV, USPACOM FOR FPA HUSO

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SUBJECT: COMMUNITY RADIO IN THAILAND: CRACKDOWN OR CROSSED SIGNALS?

REF: 02 BANGKOK 7237

**11.** (U) SUMMARY: An estimated 2,000 (maybe 3,000) unregistered community radio stations continue to broadcast popular news and "call in" talk shows without a legal regulatory framework. Appointment of a National Broadcasting Commission (NBC) remains stalled in the Thai Senate. Although the Royal Thai Government (RTG) air traffic control agency has complained that some community radios are interfering with aviation safety, recent government attempts to enforce interim regulations on community radio stations are regarded as intimidation by popular radio personalities and Thai media freedom watchdogs. END SUMMARY.

#### BACKGROUND ON COMMUNITY RADIO IN THAILAND

**12.** (U) The current legal basis for community radio in Thailand is the 1997 reformist Constitution, which, under Section 40, states, "Transmission frequencies for radio or television broadcasting and radio telecommunication are national communication resources for public interest." The Constitution calls for the establishment of an "independent regulatory body" to distribute these frequencies for "utmost public benefit". In late 2004, the Thaksin administration submitted a list of 14 nominees for a proposed National Broadcasting Commission (NBC) to the appropriate Thai Senate subcommittee for vetting. That subcommittee is tasked with selecting 7 committee members from the 14 nominees for further processing, but its consideration of the list is still pending. The Thaksin government previously submitted a nominee list for the NBC in 2003. That list was rejected on appeal to the Supreme Administrative Court due to a lack of transparency in the selection process and claims of conflicts of interest between nominees and members of the selection committee which came up with the names. Senator Chirmsak Pinthong recently told journalists that the selection process for the names submitted by the Thaksin government was tainted. He claimed that many of the nominees submitted both times were not qualified to sit on a NBC regulatory body; he reiterated claims of conflicts of interest amongst selection panel members and NBC nominees.

#### A REGULATORY VACUUM

**13.** (U) Under interim regulations established by the Public Relations Department (PRD) in March 2003, community radio stations are allowed to continue "extra-legal" operations until the proposed NBC enacts regulations. These interim rules limit stations to 30 watts of power, a 30-meter antenna and range of 15 to 18 kilometers. In January 2005, the PRD issued an additional regulation allowing the stations to air 6 minutes of commercials a day. PRD officials have told Embassy officers that there are approximately 1,793 registered community radio stations. This number includes 500 stations in the Community Radio Network, an alliance of station managers formed to defend the rights of community radio operators nationwide. But privately both the PRD and NGOs admitted that the true total number of stations is unknown. Estimates range from 2,000 to 3,000. (Note: The RTG owns and controls 524 officially registered "regular" AM and FM radio stations in the country. The military and police services control 230 radio stations, PRD and the Mass Communications Organization of Thailand (MCOT) control over 170 stations combined. Nearly all of these stations are leased to commercial companies. End Note.)

#### BUT MONEY TO BE MADE?

**14.** (U) Uajit Virojtrairatt, of the media watchdog group, Civil Media Development Institute, stated in The Nation newspaper on May 24 that some stations are making handsome profits on untaxed commercial air time, claiming that one station made up to 200,000 baht (\$5,128) per month. Meanwhile, Uajit noted, registered commercial radio stations are complaining of declining advertising revenue as businesses turned to cheaper airtime on community radio. Because only government operated broadcast entities are allowed to transmit paid advertising in Thailand, this newly granted authority allowing community radio stations to sell advertising time may have accelerated the rapid growth of the

medium in recent months, and prompted operators to stretch the envelope of allowable frequencies and transmission power.

15. (U) Suranand Vejjajiva, the media savvy Minister to the Prime Minister's Office and former spokesman for the Thai Rak Thai (TRT) party, has been assigned the public relations portfolio in Thaksin's office. He reportedly ordered the PRD to review all community radio stations operations to ensure they are following the interim guidelines. Press reports indicated that the Aeronautical Radio of Thailand (Aerothai), the RTG-run air traffic control agency, complained to Suranand that some community radio stations broadcasts interfered with air traffic communications. On May 25, the chairman of the Thai Parliament's House Telecommunication Subcommittee and TRT party list Member of Parliament Suphap Khlikhachai confirmed to Embassy officers that Aerothai had contacted his committee with similar complaints. Suphap said Aerothai had provided him with a letter stating that over 80 incidents of radio interference had occurred since January, all in Northeast Thailand. Most incidents occurred near an airport in Buriram province. No claims of interference in Bangkok were stated in the letter.

#### POLICE PAY A VISIT TO COMMUNITY RADIO ICON

16. (SBU) Controversy over RTG regulation of an estimated 2,000 FM community radio stations came to public light the week of May 18 when Royal Thai Police (RTP) "visited" the broadcasting studio of a popular Bangkok radio host, Anchalee Paireerak. Anchalee's political programs, though not virulently anti-government, are noted for their critical analysis of the Thaksin administration. Anchalee confirmed that police came to her station on May 18 and requested to see the tower. They were turned away since they did not possess a search warrant, and the owners of the building decided not to let the police into the studio or to inspect the tower on the rooftop. Poloff contacted Anchalee who stated that the PRD has now ordered her station to lower its broadcast antenna from atop the Thai Petrochemical Industry (TPI) tower and to place it no more than 30 meters above the ground by May 25. She reported that this would effectively shut down the station on May 25 until technical arrangements can be made. She said that the signal strength of the station is no more than 30 watts and that the antenna itself is not more than 30 meters long. However, since the transmission tower sits atop a multi-story modern office building, it is more than 30 meters above the ground. Anchalee stated that she had attempted to confirm with Aerothai if her station or other community radio stations were interfering with air traffic signals but no one at Aerothai would confirm such claims directly to her. She said the response of most community radio operators was that the RTG's claim of radio interference with aviation was just a ruse for a crackdown on radio stations critical of the Thaksin government.

17. (SBU) Poloff also spoke with Supinya Klangnarong of the NGO Campaign for Popular Media Reform (CPMR). Supinya is the defendant in a criminal and multimillion-dollar civil libel lawsuit filed by Shinawatra Corporation (Shincorp), founded by PM Thaksin and currently owned by members of his immediate family. In 2003, Supinya had published a study claiming that the PM's net worth increased exponentially as a result of Thaksin's increased hold on power in the Thai Parliament increased. Supinya stated she had spoken out recently in public in support of Anchalee and others as she "could not stand by and watch the government make excuses" to suppress other critical voices. She said that even though her libel trial is set to begin in 2 months time, she has a responsibility to support others who face interference from the RTG. She noted how surprised she was at the growth of community radio, reflecting upon a time only 4 years ago when one of the first stations opened in Kanchanaburi province. By 2002, there were several hundred and now she stated that no one knows for sure the real number nationwide but that it could be up to 3,000. She dismissed claims of radio interference with air traffic as baseless, noting that if there were a real safety issue with aircraft communication, especially with Don Muang International Airport in Bangkok, the RTG, especially the military, would not wait so long to shut down stations.

18. (SBU) COMMENT: The regulatory void that has allowed community radio to flourish in the last few years has been a mixed blessing. Industrious Thais have taken advantage of the relatively "free market" of airwaves to fill them up with hundreds of small locally run stations. They continue to operate "under the radar" of the Government to some degree, while offering a critical alternative to the voice of RTG-controlled stations. The current spat over reported interference with air traffic communications is part of a larger battle to come over the establishment of the NBC. Once that independent body is up and running and clearly in charge, its directives will set the tone for the Thaksin II administration's commitment to freedom of the press for community radio and all broadcast media. END COMMENT.

